

and condemnation of 106 cases of tomato catsup at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about May 23, 1931, by Stokely Bros. Co., from Whiteland, Ind., to Omaha, Nebr., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ruby Brand * * * Tomato Catsup Fame Canning Company, * * * Louisville, Ky."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On February 15, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20812. Misbranding of cottonseed meal. U. S. v. The Greenville Cotton Oil Co. Plea of guilty. Fine, \$150. (F. & D. no. 27549. I. S. no. 18320.)

This case was based on the interstate shipment of cottonseed meal that was short weight.

On May 9, 1932, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the Greenville Cotton Oil Co., a corporation, Greenville, Tex., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about January 23, 1931, from the State of Texas into the State of Kansas, of a quantity of cottonseed meal that was misbranded. The article was labeled in part: (Tag) "100 Lbs. Net Weight * * * Superior Quality * * * Distributed by Superior Cake & Meal Co., Kansas City, Mo."

It was alleged in the information that the article was misbranded in that the statement "100 Lbs. Net Weight", borne on the tag, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the sacks contained less than 100 pounds net. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 6, 1933, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$150.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20813. Adulteration and misbranding of canned salmon. U. S. v. 247 Cartons of Canned Salmon. Tried to the court. Judgment of condemnation and destruction. (F. & D. no. 25346. I. S. no. 8806. S. no. 3614.)

This case involved an interstate shipment of canned salmon, samples of which were found to be tainted or stale. A portion of the article was not pink salmon as labeled, but was chum salmon.

On November 20, 1930, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 247 cartons, each containing 48 cans of salmon, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce into the State of Pennsylvania, on or about August 28, 1930, by E. H. Hamlin Co., from Seattle, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Silver Sea Brand Pink Salmon * * * Packed for West Sales, Inc., Seattle."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

It was further alleged in the libel that a portion of the article, identified by code mark, was misbranded in that the statement, "Pink Salmon" on the label, was false and misleading and deceived and misled the purchaser,

On December 9, 1930, M. E. Heller and Samuel Perrin, copartners, Pittsburgh, Pa., appeared and filed a claim and answer. The case came on for trial before the court on June 5, 1931. Evidence for the Government and claimant having been introduced and arguments of counsel heard, the court took the case under advisement and on April 27, 1932, handed down the following opinion (Gibson, D. J.):